

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JULIE CARTER,)
)
Plaintiff,) 4:08CV3085
)
V.)
)
STEPHEN BAILEY, and KEITH) **MEMORANDUM AND ORDER**
YARBROUGH,)
)
Defendants.)
)

Pursuant to [Fed. R. Civ. P. 55\(b\)](#), Plaintiff, Julie Carter, has filed a motion for default judgment ([filing 20](#)) against Defendant Stephen Bailey. In accordance with the memorandum and order issued by this court on March 10, 2009 ([filing 22](#)), Plaintiff, by affidavit ([filing 24](#)), has established that her claims against Defendant Stephen Bailey are for the sum certain of \$130,992.12, which includes pre-judgment interest in the amount of \$14,927.12 and gives Defendant Bailey credit for payments made to Plaintiff in the amount of \$33,697.43. Because all requirements of Rule 55(b) are satisfied, I will grant the motion and enter judgment accordingly.

On January 8, 2009, Judge Piester issued a memorandum and order ([filing 18](#)) giving Plaintiff until April 10, 2009, to serve Defendant Keith Yarbrough with process. To date, the court has not received notice that such service has been made. Accordingly, Plaintiff shall have until May 28, 2009, to show cause as to why this action shall not be dismissed as to Defendant Yardbrough.

IT IS ORDERED:

1. Plaintiff's motion for default judgment against Defendant Stephen Bailey ([filing 20](#)) is granted;

2. Judgment against Defendant Stephen Bailey in the amount of \$130,992.12, together with the taxable costs of this action and post-judgment interest, will be entered by separate document;
3. Plaintiff is given until May 28, 2009, to show cause as to why this action shall not be dismissed as to Defendant Keith Yarbrough.

May 14, 2009.

BY THE COURT:
s/Richard G. Kopf
United States District Judge